

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

DAVID DANIELS

PLAINTIFF

v.

Civil No. 06-5205

SHERIFF KEITH FERGUSON;  
CAPTAIN PETRAY; LT. CARTER;  
SGT. FAULKENBURY; and SGT. NANCE

DEFENDANTS

**ORDER**

Defendants have filed a motion for summary judgment (Doc. 43). To assist plaintiff in responding to the motion, the court is propounding a questionnaire. The court will consider plaintiff's response to the questionnaire in issuing a report and recommendation on the summary judgment motion.

For this reason, David Lee Daniels is hereby directed to complete, sign, and return the attached response to defendants' summary judgment motions on or before **January 14, 2008**. **Plaintiff's failure to respond within the required period of time may subject this matter to dismissal for failure to comply with a court order.**

IT IS SO ORDERED this 14th day of December 2007.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI  
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

DAVID DANIELS

PLAINTIFF

v.

Civil No. 06-5205

SHERIFF KEITH FERGUSON;  
CAPTAIN PETRAY; LT. CARTER;  
SGT. FAULKENBURY; and SGT. NANCE

DEFENDANTS

**RESPONSE TO SUMMARY JUDGMENT MOTION**

TO: DAVID LEE DANIELS

These questions and answers will serve as your response to the motion for summary judgment filed by the defendants. You may use additional sheets of paper in responding to these questions. You must file this response by **January 14, 2008**.

1. You were booked into the Benton County Detention Center (BCDC) on charges of rape and sexual assault on December 28, 2005. You were to be held for a bond hearing.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 1.

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2. The jail policy with respect to inmate visits states that inmates are encouraged to maintain relationships with family and friends and that visiting is scheduled on a regular basis, limited by the physical and personnel constraints of the jail.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 1.

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3. The jail policy regarding discipline provides the procedures to be used for disciplinary actions and the limitations to the disciplinary actions.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at pages 4-11 .

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4. The policy regarding inmate hygiene states that inmates confined to a housing unit are provided availability to showers on a daily basis with the exception of inmates on lock-down status. Inmates on lock-down status are allowed to shower at least every three days.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 12.

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5. You were afforded access to a shower at least once every three days while on lock-down status at the BCDC.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain.

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6. The BCDC policy provides that inmate telephone calls are collect with the exception of numbers approved by the Benton County Jail Administration.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 13.

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7. On December 28th you signed an inmate telephone system notice which stated that

the BCDC allowed inmates to make calls as a privilege only and that all calls are collect with the exception of bail bond companies and other numbers previously approved by the Sheriff.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3.

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8. The call detail report for you from December 28, 2005, until January 5, 2007, shows you had continued access to a telephone during your incarceration.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4.

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9(A). The activity report indicates you participated in multiple activities during your incarceration at the BCDC.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5.

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(B). You were provided with opportunities to exercise outside your cell on a regular basis.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain.

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(C). You could perform basic exercise such as sit-ups and running in place in your cell.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain.

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(D). When you were not on lock-down you could have had visitors.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain.

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10. In your complaint you allege you were locked down on January 10, 2005. Do you mean January 10, 2006?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered no, please explain.

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11. Please state: (a) why you were placed on lock-down; (b) whether you were given a disciplinary; (c) whether you were found guilty of the disciplinary violation; and (d) how long you remained on lock-down.

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12. On February 22, 2006, you were given a disciplinary for concealing items from the jail staff.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 1.

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13(A). You were provided with written notice of the violation and a hearing was held.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 1.

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(B). You were found guilty.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page

1.

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(C). You appealed and the decision was affirmed.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page

1.

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14(A). On February 27th you were given a disciplinary for unauthorized correspondence.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page

1.

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(B). You were provided written notice of the disciplinary violation and a hearing was held.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 1.

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(C). You were found guilty of the violation. You appealed the decision and the decision was affirmed.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 1.

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15(A). On March 15th you were given a disciplinary for refusing the order of a

deputy.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page

3.

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(B). You were given a written notice of the disciplinary violation and a hearing was held.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page

3.

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(C). You were found guilty and given ten days lock-down and loss of privileges.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page

3.

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(D). You appealed and the decision was affirmed.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 3.

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16(A). On March 22nd you were given a disciplinary for exiting the cell without wearing your uniform in the correct manner.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 4.

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(B). You were given a written notice of the disciplinary violation and a hearing was held.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page

4.

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(C). You were found guilty and given five days lock-down.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page

4.

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(D). You appealed and the decision was affirmed.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page

4.

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17(A). On May 14th you were given a disciplinary for fighting.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 5.

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(B). You were given a written notice of the disciplinary violation and a hearing was held.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 5.

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(C). You were found guilty and given thirty days lock-down and loss of privileges.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 5.

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(D). You appealed and the decision was affirmed.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 5.

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18(A). On May 16th you were given a disciplinary for concealing items from jail staff.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 6.

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(B). You were given a written notice of the disciplinary violation and a hearing was

held.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 6.

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(C). You were found guilty and given ten days lock-down.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 6.

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(D). You appealed and the decision was affirmed.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 6.

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19(A). On May 16th you were also given a disciplinary for placing items on the cell walls.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 7.

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(B). You were given a written notice of the disciplinary violation and a hearing was held.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 7.

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(C). You were found guilty and given five days lock-down and loss of privileges. This lock-down was to run concurrently with the lock-down you received on the disciplinary

for concealing items from jail staff.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 7.

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(D). You appealed and the decision was affirmed.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 7.

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20. (A). On May 16th you were given a disciplinary for disobeying the order of a deputy.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 8.

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(B). You were given a written notice of the disciplinary violation and a hearing was held.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 8.

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(C). You were found guilty and given ten days lock-down.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 8.

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(D). You appealed and the decision was affirmed.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 8.

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21(A). On May 17th you were given a disciplinary for stealing or being in possession of stolen property.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 9.

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(B). You were given a written notice of the disciplinary violation and a hearing was held.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 9.

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(C). You were found guilty and given thirty days lock-down and loss of privileges.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 9.

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(D). You appealed and the decision was affirmed.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 9.

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22(A). On May 20th you were given a disciplinary for possession of unauthorized objects.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page

10.

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(B). You were given a written notice of the disciplinary violation and a hearing was held.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 10.

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(C). You were found guilty and given ten days lock-down and loss of privileges.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 10.

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(D). You appealed and the decision was affirmed.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 10.

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23(A). On June 6th you were given a disciplinary for storing food.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 11.

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(B). You were given a written notice of the disciplinary violation and a hearing was held.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 11.

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(C). You were found guilty and given five days lock-down and loss of privileges.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 11.

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(D). You appealed and the decision was affirmed.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 11.

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24(A). On June 18th you were given a disciplinary for concealing items from the jail staff.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.



If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 12.

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(B). You were given a written notice of the disciplinary violation and a hearing was held.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 12.

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(C). You were found guilty and given ten days lock-down and loss of privileges.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 12.

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(D). You appealed and the decision was affirmed.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 12.

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25(A). On July 10th you were given a disciplinary for concealing items from jail staff.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 13.

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(B). You were given a written notice of the disciplinary violation and a hearing was held.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page

13.

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(C). You were found guilty and given ten days lock-down and loss of privileges.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 13.

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(D). You appealed and the decision was affirmed.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 13.

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26(A). On July 10th you were also given a disciplinary for refusing to obey the order

of a deputy.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 14.

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(B). You were given a written notice of the disciplinary violation and a hearing was held.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 14.

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(C). You were found guilty and given ten days lock-down and loss of privileges.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 14.

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(D). You appealed and the decision was affirmed.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 14.

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27(A). On September 6th you were given a disciplinary for possession of contraband.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 15.

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(B). You were given a written notice of the disciplinary violation and a hearing was held.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 15.

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(C). You were found guilty and given thirty days lock-down and loss of privileges.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 15.

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(D). You appealed and the decision was affirmed.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 15.

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28(A). On September 6th it looks like you were given a second disciplinary for possession of contraband.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 16.

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(B). You were given a written notice of the disciplinary violation and a hearing was held.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 16.

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(C). You were found guilty and given thirty days lock-down and loss of privileges.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page

16.

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(D). You appealed and the decision was affirmed.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 16.

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29(A). On September 6th you were given a disciplinary for stealing.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 18.

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(B). You were given a written notice of the disciplinary violation and a hearing was



held.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 18.

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(C). You were found guilty and given thirty days lock-down and loss of privileges.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 18.

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(D). You appealed and the decision was affirmed.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 18.

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30(A). On September 27th you were given a disciplinary for placing items on fixtures not meant for that purpose.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 17.

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(B). You were given a written notice of the disciplinary violation and a hearing was held.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 17.

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(C). You were found guilty and given five days lock-down and loss of privileges.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 17.

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(D). You appealed and the decision was affirmed.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 6 at page 17.

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31. When were you released from the BCDC or transferred to another facility?

Answer:

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32. Under section 1983, an individual may be sued in his official capacity, in his

individual capacity, or in both capacities. An official capacity claim is the same as a claim against the entity for whom the individual works and requires a showing of a custom or policy. Ordinarily, if you fail to state what capacity you are suing an individual in, the law presumes you are bringing only an official capacity claim. An individual capacity claim seeks to hold the individual personally liable. Did you intend to bring an official capacity claim, an individual capacity claim, or both types of claims against the defendants?

Answer:

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33. Each time you were placed on lock-down you were provided with written notice of the disciplinary violation, a hearing was held, you were found guilty, and you were given an opportunity to appeal the decision.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain.

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Please explain how you were denied mental health care because you were locked down.

[illegible]

-37-

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35. Sheriff Ferguson was not personally involved in any of the incidents mentioned in your complaint.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain.

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36. Please explain in detail how you believe Sheriff Ferguson violated your federal constitutional rights.

Answer:

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Answer:

[illegible]



Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

[illegible]

Answer:

[illegible]

Answer:

[illegible]

Answer:

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

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[illegible]

EXECUTED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2007.

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